

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. _____

SHANNON N. BARNEY,

Plaintiff,

vs.

GOLDORO DEVELOPMENTS, INC. d/b/a
BLUEWATER RADIOLOGY, a
Florida Corporation, and CIRO ADAMO,

Defendants.

_____ /

NOTICE OF REMOVAL

Under 28 U.S.C. §§ 1331, 1441(a), & 1446(b)(3), Defendants, GOLDORO DEVELOPMENTS, INC. d/b/a BLUEWATER RADIOLOGY, a Florida Corporation, and CIRO ADAMO, by and through their undersigned counsel, provide this Notice of Removal of the above-captioned action from the Fifteenth Judicial Circuit Court for Palm Beach County Florida to the United States District Court for the Southern District of Florida and states as follows:

1. Plaintiff, Shannon N. Barney originally filed her complaint for monetary relief in state court on May 30, 2023, against Defendants. *See Complaint, attached as Exhibit A.* On June 30, 2023, Defendants accepted/waived service.

2. Plaintiff's Complaint states five causes of action against Defendants for alleged unpaid overtime and wages as follows: (1) Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* ("FLSA"); (2) Florida's Wage Law, Florida Statutes section 448.109; (3) breach of contract; (4) breach of oral contract; and (5) misrepresentation. *See Exhibit A.*

3. Under 28 U.S.C. § 1331, this Court now has original jurisdiction over this action, as Plaintiff alleges violations of the FLSA against all Defendants, which arise under the Constitution and laws of the United States. Thus, under 28 U.S.C. § 1441(a), Defendants may remove this action to this Court. This Court also has supplemental jurisdiction of Plaintiff's claims under Florida's Wage Law, contract and misrepresentation theories, because they are so related to the claims arising under federal law that they form part of the same case or controversy under Article III of the United States Constitution. *See* 28 U.S.C. § 1367(a).

4. Under 28 U.S.C. § 1446(b)(2), undersigned counsel certifies her clients consent to this removal.

5. This notice of removal is timely under 28 U.S.C. § 1446(b)(1), which provides:

The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within 30 days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.

This notice is timely filed within 30 days of service of Plaintiff's Complaint on Defendants.

6. Per 28 U.S.C. § 1446(a), attached hereto as *Exhibits A-F* are copies of the following process, pleadings, orders, and other papers or exhibits of every kind currently on file in the state court action:

- (1) Complaint (Exhibit A)
- (2) Civil Cover Sheet (Exhibit B)
- (3) Issued Summons to GOLDORO DEVELOPMENTS, INC. (Exhibit C)
- (4) Issued Summons to CIRO ADAMO (Exhibit D)
- (5) Waiver of Service of Process (Exhibit E)

(6) Notice of Appearance – Daniel R. Levine (Exhibit F)

(7) Notice of Appearance – Robin I. Frank (Exhibit G)

Additionally, attached hereto as *Exhibit H* is a copy of the docket in the state court action, as of July 7, 2023.

7. Concurrent with the filing of this Notice of Removal with this Court, Defendants will provide a notice of removal to Plaintiff through the attorney of record in the state court, as required by 28 U.S.C. § 1446(d), as well as notice to the Clerk of the State Court in and for the Fifteenth Judicial Circuit Court for Palm Beach County, Florida.

WHEREFORE, Defendants respectfully request that this Court exercise jurisdiction over this matter.

Dated: July 7, 2023
Boca Raton, FL

Respectfully submitted,

Robin I. Frank

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